

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VOLTERRA SEMICONDUCTOR)	
LLC,)	
)	
Plaintiff,)	
)	C.A. No. 19-2240 (CFC)
v.)	
)	
MONOLITHIC POWER SYSTEMS,)	
INC.,)	
)	
Defendant.)	

**FISH & RICHARDSON’S
RESPONSE TO DEFENDANT MONOLITHIC POWER SYSTEMS, INC.’S
REQUEST FOR ORAL ARGUMENT ON ITS MOTION TO DISMISS**

On May 28, 2020, Defendant Monolithic Power Systems, Inc. (“MPS”) requested oral argument on its pending motion to dismiss, but requested that the argument be “continued or deferred” until after its motion to disqualify Fish & Richardson (“Fish”) from representing plaintiff Volterra has been resolved (D.I. 34). Fish submits this response to that request.

MPS alleges that “[c]ounsel for Volterra . . . makes unfounded assumptions about the accused product that may be based on confidential information gained through its previous representation of MPS.” (D.I. 34 at 1–2.) It does so even though it knows that (1) Fish has not done any work for MPS since 2012, (2) nobody at Fish has ever had access to any MPS information about the accused product, which MPS announced late last year, and (3) no Fish lawyer representing

Volterra in this case has *ever* done any work for MPS. This is all set forth in Fish’s answering brief on MPS’s disqualification motion (D.I. 35). In short, MPS knows there is no basis for its attack on its opposing counsel.

Indeed, MPS alleged in its opening brief on its motion to dismiss (D.I. 16) that the allegations in Volterra’s First Amended Complaint are based on publicly available information—MPS’s public statements regarding the accused product, and two YouTube videos describing the structure and operation of the accused product. As MPS acknowledged, the accused product was recently developed, and is “a **prototype** controller mentioned at the APEC 2019 conference.” (D.I. 16 at 12 (emphasis added))

Finally, MPS does not explain the timing of its request to exclude the Fish lawyers from being “further involved in the briefing and/or oral argument regarding the issues in dispute,” which it made only after the briefing had been completed, other than to delay the progress of this case.

There is no basis to delay oral argument pending the resolution of the motion for disqualification.

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May 29, 2020

CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2020, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on May 29, 2020, upon the following in the manner indicated:

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